

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

C.U. and A.R.

v.

**CITY OF PHILADELPHIA DEPARTMENT
OF HUMAN SERVICES, et al.**

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CIVIL ACTION NO. 22-4950

ORDER

This 3rd day of May, 2023, it is hereby **ORDERED** that the DHS Defendants' Motion to Dismiss (ECF 13) is **GRANTED** in part and **DENIED** in part, as follows. Plaintiff's *Monell* claim based on the theory that the City followed a constitutionally deficient policy is **DISMISSED** without prejudice. Plaintiffs are granted leave to amend within 20 days. In all other respects Defendants' Motion is **DENIED**.

It is further **ORDERED** that the DHS Defendants' Motion to Dismiss (ECF 18) the CHOP Defendants' crossclaim asserting contribution and indemnity is **GRANTED**, and the crossclaim is **DISMISSED** without prejudice. The CHOP Defendants are granted leave to amend within 20 days.

/s/ Gerald Austin McHugh
United States District Judge